

Message Text

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11

ACTION IO-13

INFO OCT-01 ADP-00 AF-10 ARA-11 EA-11 EUR-25 NEA-10 RSC-01

COA-02 EB-11 OIC-04 CIAE-00 DODE-00 PM-09 H-02 INR-09

L-03 NSAE-00 NSC-10 PA-03 PRS-01 SS-14 USIA-12 ACDA-19

AEC-11 AGR-20 CG-00 COME-00 DOTE-00 FMC-04 INT-08

JUSE-00 NSF-04 OMB-01 SCI-06 CEQ-02 RSR-01 /238 W

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R 200430 Z MAR 73

FM USMISSION USUN NY

TO SECSTATE WASHDC 7070

UNCLAS USUN 950

E. O. 11652: N/ A

TAGS: PBOR, UN

SUBJ: LOS: WORKING GROUP 2 OF SUBCOMMITTEE III, 4 TH MEETING,
19 MARCH

1. CHAIRMAN ANNOUNCED THAT INFORMAL GROUP (INCLUDING U. S.)
PREPARED TEXT OF ARTICLE ON BASIC OBLIGATION OF STATES AND
FOOTNOTE.

TEXT FOLLOWS: QUOTE. STATES HAVE THE OBLIGATION TO
PROTECT AND PRESERVE THE MARINE ENVIRONMENT, IN ACCORDANCE
WITH THE PROVISIONS OF THESE ARTICLES. (FOOTNOTE: THE
REFERENCE TO " THE PROVISIONS OF THESE ARTICLES" IS
INTENDED TO REFLECT THE FACT THAT THE WORKING GROUP WILL
WISH TO SPECIFY IN SUBSEQUENT ARTICLES THE SCOPE, QUALIFICA-
TIONS AND LIMITATIONS OF THIS GENERAL OBLIGATION. FOR
EXAMPLE, THE WORKING GROUP MAY WISH TO SPECIFY THAT NOTHING
IN THESE ARTICLES SHALL BE DEEMED TO IMPOSE A DUTY ON A STATE TO
PREVENT POLLUTION THAT ONLY AFFECTS AREAS OR RESOURCES UNDER
ITS JURISDICTION.) UNQUOTE. (MALTA SUGGESTED (OPEN BRACKET)
PRESERVE (CLOSE BRACKET) (OPEN BRACKET) CONSERVE (CLOSE
BRACKET) BE PLACED IN TEXT IN PLACE OF " PRESERVE".

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2. INDIA AGREED ON NEED FOR A SIMPLE FUNDAMENTAL
PRINCIPLE IN THE ARTICLES, HOWEVER, THEY FELT IT WAS

PREMATURE TO USE THE WORD " OBLIGATION". THE ELABORATION OF AN OBLIGATION SHOULD AWAIT CLEARER IDEAS ON JURISDICTION, LIABILITY, ETC., THEY WG CAN COME BACK TO SUBJECT OF BASIC OBLIGATION. THEY SUGGESTED THE FOLLOWING BASIC PRINCIPLES WHICH MIGHT BE CONSIDERED WHEN WG RETURNS TO BASIC OBLIGATION: MARINE ENVIRONMENT IS A MATTER OF COMMON CONCERN TO (OPEN BRACKET) THE INTERNATIONAL COMMUNITY AS A WHOLE (CLOSE BRACKET) (OPEN BRACKET) MANKIND. (CLOSE BRACKET) STATES SHALL PARTICIPATE IN THE PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT AND THE ENHANCEMENT OF ITS QUALITY, AND TAKE ALL POSSIBLE STEPS IN THIS DIRECTION (U. S. QUESTIONED THE USE OF " ALL POSSIBLE" AS A TREATY OBLIGATION. SUBJECT WILL BE DISCUSSED AT NEXT MEETING). BRAZIL ECHOED INDIA' S CONCERN.

3. AT CANADA' S SUGGESTION, IT WAS AGREED THAT WG WOULD NOT TRY TO AGREE ON TEXT OF BASIC OBLIGATION AT THIS TIME BUT WOULD TAKE NOTE OF IT AND GO ON TO OTHER ISSUES WHICH MIGHT HELP CLARIFY THE BASIC OBLIGATION.

PHILLIPS

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<< END OF DOCUMENT >>

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